

Child Care & Nutrition, Inc.

PO Box 138 • Ivanhoe, MN 56142

Child and Adult Care Food Program Appeal Procedure

A provider who participates in the Child and Adult Care Food Program (CACFP) under the sponsorship of Child Care & Nutrition, Inc (CCNI) may appeal actions taken by Child Care & Nutrition, Inc (CCNI) in accordance with this procedure. CACFP appeal procedures are authorized at 7 CFR 226.6(l). The following types of Sponsoring Organization actions are appealable:

- Proposed termination of CACFP
- Suspension of CACFP

To appeal a Child Care & Nutrition, Inc (CCNI) action:

- Submit your written request for an appeal to: Sharon Rasmussen, Executive Director, PO Box 138, Ivanhoe, MN 56142. Your request for an appeal must be submitted no later than 15 working days after you receive this notice. Your appeal request must include all of the required information listed in (2) Appeal Request and Deadline under Appeal Procedure-Rights and Responsibilities below.
- Child Care & Nutrition, Inc (CCNI) strongly recommends that an appeal request and any other written documentation be sent in a manner that provides proof of delivery, such as certified mail – return receipt requested.
- Within 10 working days of receipt of your appeal request, Child Care & Nutrition, Inc (CCNI) will notify you by certified mail - return receipt requested, or other delivery method, which could include faxing or email response, that your request has been received.

Appeal Procedure – Rights and Responsibilities

1. **Notice of Action** When an action is taken or proposed that is subject to appeal according to CACFP regulations, the Sponsoring Organization provides notice of the action to the Provider. The notice describes the action being taken or proposed, the basis for the action, and includes this CACFP Appeal Procedure.
2. **Appeal Request and Deadline** To appeal the Sponsoring Organization's action, the Provider must submit an appeal request in writing to Sharon Rasmussen, Executive Director, PO Box 138, Ivanhoe, MN 56142 not later than 15 working days after the date the notice of action is received. The Sponsoring Organization will acknowledge the receipt of an appeal request by certified mail - return receipt requested, or faxed or emailed (when possible) within 10 working days of Sponsoring Organization's receipt of the request.
 - a. **An appeal request must include:**
 - i. **Provider's Name, provider number, address, phone, email, and fax number available.**
 - ii. **Identification of Sponsoring Organization action(s) that are being appealed.**
 - iii. **The appeal request must be signed and dated.**
3. **Representation** Provider may represent her/himself, or retain legal counsel, or be represented by another person.
4. **Review of Record** Information on which the Sponsoring Organization's action was based must be available to Provider from the date of receipt of provider's appeal request.
5. **Opposition** Provider may refute the findings contained in the notice of action by submitting written documentation to the Appeal Official. In order to be considered, written documentation must be submitted not later than 30 working days after receipt of the notice of action.
6. **Appeal Official** The Appeal Official must not be involved in the action that is being appealed and not have a direct personal or financial interest in the outcome of the appeal. Provider may directly contact the Appeal Official. Upon request, CCNI will provide name and contact information for the Appeal Official.
7. **Basis for Decision** The Appeal Official will make a determination based solely on the information provided by Provider, information provided by Sponsoring Organization, Federal and State laws, regulations, policies, and procedures governing the Program.
8. **Time for Issuing Decision** Within 60 working days of the Appeal Official's receipt of the appeal request, the Appeal Official will inform Provider of the appeal outcome(s) by certified mail - return receipt requested, or by fax or email, if feasible. This timeframe is an administrative requirement for Sponsoring Organization and may not be used as a basis for overturning Sponsoring Organization's action if a decision is not made within the specified timeframe.
9. **Final Decision** The determination made by the Appeal Official is the final administrative determination to be afforded to the Provider.
10. **Record** Sponsoring Organization maintains searchable records of appeals and results, subject to the Minnesota Government Data Practices Act.